# EXTENSION OF WIRELESS USE AGREEMENT BETWEEN

# CLARK COUNTY, NEVADA AND EXTENET SYSTEMS, INC.

This Extension of Wireless Use Agreement ("Extension Agreement") is executed to be effective on the 7<sup>th</sup> day of August, 2012 (the "Effective Date") between the Clark County, Nevada, a political subdivision of the State of Nevada ("County"), and ExteNet Systems, Inc., a Delaware corporation, ("ExteNet").

WHEREAS, the County and ExteNet entered into a Wireless Use Agreement ("WUA") dated August 7, 2007; and

WHEREAS, the WUA includes various definitions that are used herein and incorporated by reference below; and

WHEREAS, the WUA granted ExteNet the right to use the County's Rights-of-Way ("ROW") and ROW poles for purposes of providing Telecommunications Service, including ExteNet's attachment of Equipment used in providing Telecommunications Service to certain Municipal Facilities located in the ROW; and

WHEREAS, pursuant to the WUA, ExteNet has deployed its initial Telecommunications Service Network, including the attachment of ExteNet's Equipment to Municipal Facilities; and

WHEREAS, the term of the WUA will expire on August 7, 2012 if such term is not extended; and

WHEREAS, Section 2 of the WUA provides that the parties may, by mutual consent, extend the term of the WUA for one additional five-year period, on the terms and conditions set forth in the WUA; and

WHEREAS, the County and ExteNet wish to renew the WUA pursuant to Section 2 of the WUA and to extend the expiration date of the WUA for a period of five years, on the same terms and conditions thereof, except as otherwise specified below.

NOW THEREFORE, in consideration of the premises and of the terms and conditions specified herein, the parties hereby agree as follows:

#### SECTION 1. <u>DEFINITIONS</u>.

For purposes of this Extension Agreement, all terms, phrases, words and their derivations herein shall have the same meanings as those terms are defined in the WUA, unless the context clearly indicates that another meaning is intended. When used herein, the term "Effective Date" shall mean August 7, 2012, not the effective date specified in the WUA. Words not defined in the WUA or otherwise defined in this Extension Agreement shall be given their common and ordinary meaning.

## SECTION 2. EXTENSION OF AMENDED WUA; CONFIRMATION OF TERMS.

This Extension Agreement shall commence on the Effective Date, shall constitute a renewal of the WUA, and shall extend the expiration date of the WUA until August 7, 2017, or until the WUA is otherwise terminated in accordance with the provisions thereof. Except to the extent that the WUA is expressly modified herein, the parties hereby confirm that all terms and conditions of the WUA remain in full force and effect.

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**IN WITNESS WHEREOF,** the parties hereto have caused this Extension Agreement to be legally executed in duplicate this 7<sup>th</sup> day of August, 2012.

CLARK COUNTY BOARD OF COMMISSIONERS

By:

SUSAN BRAGER, Chair

ATTEST:

DIANA ALBA, Clerk

APPROVED AS TO FORM DISTRICT ATTORNEY'S OFFICE

BY: MARK E. WOOD

Deputy District Attorney

**EXTENET SYSTEMS, INC., a Delaware corporation** 

Dan Timm

Exec. Vice President & Chief Financial Officer